

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

June 28, 2004

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Davis, Associate Justice; and Facey, bailiff.

C041458 THE PEOPLE v. SANTOYO

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:59 a.m., the court recessed. At 10:02 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

C043219 COUNTY OF IMPERIAL et al. v. CALIFORNIA STATE LANDS COMMISSION and NORTH BAJA PIPELINE, LLC

Cause called. Andrea A. Matarazzo argued and Sabrina V. Teller appeared only for appellant. Christine Sproul, Deputy Attorney General, argued and Lisa Trankley, Deputy Attorney General, appeared only for respondent. Steven L. Vettel argued for real party in interest. Cause submitted.

At 10:31 a.m., the court recessed. At 10:35 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C042733 WHITECHAT v. DEMARTINI, JR.

Cause called. Pat Whitechat argued In Pro Per as appellant. Jonathan Daniel Adams argued for respondent. Cause called.

At 10:40 a.m., the court recessed. At 10:45 a.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C045847 K.R.L. PARTNERSHIP et al. v. THE SUPERIOR COURT OF ALPINE COUNTY and PEMBERTON

Cause called. James M. Gilbert argued for petitioners. Betsy S. Kimball argued for respondent and real party in interest. Cause submitted.

At 11:25 a.m., the court recessed. At 2:03 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Nicholson, Associate Justice.

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June 28, 2004, continued

C043830 SOUTH COUNTY CITIZENS FOR RESPONSIBLE GROWTH et al. v. CITY OF ELK GROVE and M&H PROPERTY MANAGEMENT, INC. et al. THE PEOPLE ex rel. DEPARTMENT OF CONSERVATION et al. v. CITY OF ELK GROVE and M&H REALTY PARTNERS III L.P., et al.

Cause called. Matthew S. Gray argued for appellants M&H Property etc., et al. and Kenneth N. Burns appeared only for real parties in interest. Eric N. Robinson argued for appellant, City of Elk Grove. Joseph J. Brecher argued for and Douglas E. Jaffe appeared only for respondent, South County Citizens for Responsible Growth et al. Richard M. Thalhammer, Deputy Attorney General, argued for respondents, The People ex rel. Cause submitted.

At 2:38 p.m., the court recessed. At 3:27 p.m. the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Nicholson, Associate Justice.

C043358 CAPERS et al. v. NUNN, as Chief of Division, etc., and SHEET METAL WORKERS LOCALS 104, 105, AND 162

C043360 AIRCONDITIONING TRADES ASSOCIATION UNILATERAL APPRENTICESHIP COMMITTEE v. CALIFORNIA APPRENTICESHIP COUNCIL and SHEET METAL WORKERS LOCALS 104, 105, AND 162

Cause called. Mark R. Thierman, J.D., argued for appellant Air Conditioning Trades Association... Scot A. Kronland and Mark S. Renner argued for real party in interest. Fred. D. Lonsdale argued for respondent Nunn. Julie Standen, Deputy Attorney General, argued for respondent California Apprenticeship Council. Cause submitted.

C042503 COLLINS et al. v. RECLAMATION DISTRICT NO. 828

Cause called. Tony J. Tanke argued for appellants. Helen E. Williams argued for respondent. Cause submitted.

At 3:45 p.m., the court recessed. At 3:48 p.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

C042810 FINN, as Successor Trustee etc., et al. v. ELROD

Cause called. Joel S. Levy argued for appellant. Ronald A. Zumbrun argued and Stuart L. Smits and Mark Teh appeared only for respondents. Cause submitted.

At 4:20 p.m., the court recessed until 9:30 a.m., Wednesday, June 30, 2004.

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June 28, 2004, continued

- C044943 THE PEOPLE v. HIGH (Certified for Publication)**
The judgment is modified... The judgment is affirmed as modified. The trial court is directed to prepare an amended abstract reflecting the modifications and corrections ordered by this court and to forward a certified copy of the abstract to the Department of Corrections.
DAVIS, Acting P.J.
We concur: Robie, J.
Butz, J.
- C046037 THE PEOPLE v. CUADRAS, JR. (Not for Publication)**
The 16 month sentence imposed for being a felon in possession of a firearm charged in count three is stayed. The judgment is affirmed in all other respects. The trial court is directed to prepare a new abstract of judgment and to forward a copy to the Department of Corrections.
DAVIS, J.
We concur: Blease, Acting P.J.
Robie, J.
- C044366 BAUMGARTNER et al. v. DETTLOFF (Not for Publication)**
The judgment is affirmed. Defendant shall recover his costs on appeal.
HULL, J.
We concur: Raye, Acting P.J.
Robie, J.
- C044743 In re M.B.; THE PEOPLE v. v. M.B. (Not for Publication)**
The judgment (order committing the minor to the Youth Center) is affirmed.
DAVIS, J.
We concur: Blease, Acting P.J.
Raye, J.

June 29, 2004

- C042273 THE PEOPLE v. FISHER et al. (Not for Publication)**
Alcantara's sentence is modified... As modified, the judgment is affirmed. As to defendant Fisher, the judgment is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
Butz, J.

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The Minutes

June 29, 2004, continued

- C043574 THE PEOPLE v. ROACH (Not for Publication)**
The trial court is directed to amend the abstract of judgment as follows: ...
As modified, the judgment is affirmed.
Nicholson, Acting P.J.
We concur: Raye, J.
Morrison, J.
- C043766 THE PEOPLE v. PRUITT (Not for Publication)**
The order of commitment is affirmed.
SCOTLAND, P.J.
We concur: Hull, J.
Butz, J.
- C044229 THE PEOPLE v. MERRILL (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Morrison, J.
Butz, J.
- C044410 THE PEOPLE v. PEREZ, JR. (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We concur: Raye, J.
Hull, J.
- C044788 THE PEOPLE v. RAMIREZ (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Robie, J.
Butz, J.
- C045102 THE PEOPLE v. PRICE (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification, and to forward a certified copy of the amended abstract to the Department of Corrections.
SCOTLAND, P.J.
We concur: Hull, J.
Butz, J.

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The Minutes

June 29, 2004, continued

- C045220 THE PEOPLE v. WEAVER (Not for Publication)**
The judgment (order denying defendant's motion for writ of error coram nobis) is affirmed.
DAVIS, J.
We concur: Blease, Acting P.J.
 Butz, J.
- C045465 THE PEOPLE v. CISNEROS (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: Hull, J.
 Robie, J.
- C045470 THE PEOPLE v. SIMMONS (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Blease, Acting P.J.
 Butz, J.
- C045528 THE PEOPLE v. ECKERT (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
DAVIS, Acting P.J.
We concur: Hull, J.
 Robie, J.
- C045701 THE PEOPLE v. WOMACK (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Davis, J.
 Morrison, J.

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June 29, 2004, continued

C043383 OPONG-MENSAH v. STRACENER et al. (Not for Publication)

The judgment is affirmed. Sanctions in the amount of \$10,000 to be paid to the State of California Department of Personnel Administration, as directed in this opinion are imposed against plaintiff for pursuing a frivolous appeal. Plaintiff is further ordered to compensate defendants for their costs on appeal. (Cal. Rules of Court, rule 27(a).)

Plaintiff is directed not to file any new litigation in this court In Propria Persona without first obtaining permission to do so from the Administrative Presiding Justice. Disobedience of this order may be punished as a contempt of court.

SCOTLAND, P.J.

We concur: Sims, J.
 Raye, J.

C045001 BANKS v. WILLIAMS III (Not for Publication)

The judgment is affirmed. Banks shall recover costs on appeal. Banks's request for sanctions is denied.

RAYE, J.

We concur: Blease, Acting P.J.
 Morrison, J.

**C042798 In re A.R. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. LISA B.**

**C043074 In re A.R. et al. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. GREGORY R. (Not for Publication)**

The jurisdictional and dispositional orders of the juvenile court are reversed, and the matter is remanded to the juvenile court with directions to order DHHS to provide each of the three Cherokee tribes proper ICWA notice of these proceedings. If, after receiving notice under ICWA, no tribe indicates either minor is an Indian child within the meaning of ICWA, then the juvenile court shall reinstate the jurisdictional and dispositional orders. In all other respects, the orders are affirmed.

NICHOLSON, Acting P.J.

We concur: Raye, J.
 Hull, J.

**C044918 In re T.H.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. T.K. (Not for Publication)**

The judgment (order) is affirmed.

SCOTLAND, P.J.

We concur: Hull, J.
 Butz, J.

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C045244 In re M.C.; THE PEOPLE v. M.C. and LEON C.
(Not for Publication)

The judgment is affirmed.

ROBIE, J.

We concur: Davis, Acting P.J.
 Hull, J.

**C045111 THE PEOPLE v. SUPERIOR COURT OF SACRAMENTO COUNTY and
WEEKLEY**
(Not for Publication)

Let a peremptory writ of mandate issue compelling respondent superior court to vacate that part of its order striking the references in count 5 to the letters Weekley created on March 9, 2000, and to enter a new and different order consistent with this opinion. Having served its purpose, the alternative writ is discharged, and the stay issued by this court is vacated upon the finality of this opinion. The parties shall bear their own costs in this proceeding. (Cal. Rules of Court, rule 56.4(a).)

BLEASE, J.

We concur: Scotland, P.J.
 Davis, J.

June 30, 2004

At 9:30 the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C045684 In re JACKIE DON WHITE on Habeas Corpus
 Order to Show Cause hearing was held. Attorney Anthony Dicce and Mr. Dangler appeared. Matter to be taken under submission.

The court recessed at 10:00 a.m. until 9:30 a.m., Monday, July 19, 2004.

C042124 THE PEOPLE v. VALENZUELA
(Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.
 Butz, J.

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- C044387 ALAMEIDA, JR. v. STATE PERSONNEL BOARD and LOMELI**
(Certified for Publication)
The judgment is affirmed. Lomeli shall recover his costs on appeal. (Cal. Rules of Court, rule 27(a).)
SIMS, J.
We concur: Scotland, P.J.
Davis, J.
- C044559 FEATHER RIVER ANESTHESIA MEDICAL GROUP, INC., v. THE FREMONT-
RIDEOUT HEALTH GROUP**
(Not for Publication)
The judgment is affirmed. Plaintiff shall recover its costs on appeal. (Cal. Rules of Court, rule 27(a).)
NICHOLSON, Acting P.J.
We concur: Morrison, J.
Butz, J.
- C045057 KATSARES et al. v. OPENLINE GROUP HOMES, INC.**
(Not for Publication)
The judgment is affirmed.
BUTZ, J.
We concur: Morrison, Acting P.J.
Hull, J.
- C044944 SMITH v. CITY OF NAPA et al.**
(Certified for Partial Publication)
The judgment is affirmed.
DAVIS, J.
We concur: Scotland, P.J.
Sims, J.
- C044094 In re K.M. et al.; PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. S.M. et al.**
(Not for Publication)
The juvenile court's orders are affirmed.
SCOTLAND, P.J.
We concur: Raye, J.
Robie, J.
- C044844 In re JEROME L.; THE PEOPLE v. JEROME L.**
(Not for Publication)
The judgment (order committing the minor to CYA) is affirmed.
SCOTLAND, P.J.
We concur: Raye, J.
Robie, J.

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July 2, 2004

C041000	THE PEOPLE v. TERRY	(Not for Publication)
C041033	THE PEOPLE v. TERRY	(Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Scotland, P.J.

Raye, J.

C044358	MKM PARTNERS, LLC, et al. v. COUNTY OF SACRAMENTO et al.	(Not for Publication)
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The judgment is reversed and the matter remanded to the trial court with directions to reconsider plaintiffs' petition for writ of mandate consistent with the views expressed in this opinion. Plaintiffs are awarded their costs on appeal.

HULL, J.

We concur: Sims, Acting P.J.

Raye, J.